FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2019 OF 2006

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	: Coram, : : : :	Court's or Judge's Orders .

Mr. D.D. Duggal-petitioner in person

Mrs. S. D. Shinde, APP

Mr. Manish Kenda i/b N.K. Dayanand for R-4

Mr. Sanjay Udeshi for R-5

Mr. H.K. Mengham - Applicant in Appln.90/07

CORAM: SMT. RANJANA DESAI &
D. B. BHOSALE JJ.

DATED:-22/3/2007

P.C.:-

The petitioner's case in short is that he is holding 1344 shares of Sun Pharmaceutical Industries Ltd.. Respondent 5 is the Senior Manager of the said company. According to the petitioner though these shares stand in his name they have not been delivered to him. His further grievance is that though he has lodged a complaint with Mulund Police Station, Mulund Police Station has not

registered any offence.

2. We have heard the petitioner-in-person at considerable length. We have also heard Mr. Kenia, learned counsel for respondent 4 Mr. Udeshi, learned counsel for respondent 5 and Mr. Mengham, learned counsel for the intervenor.

3. We have perused the affidavit of respondent 5. Paragraph 17 of the said affidavit reads as under:

> "I say that the respondent No. 4 the said Company's Registrar Intime Spectrum Registry Limited, had held back the said 336 equity shares of Rs.10 each & now holding back subdivided 672 equity shares of Rs.5 each (in place of the said 336 equity shares of Rs.10 each) along with another 672 bonus equity shares of Rs.5 each thus totaling 1344 equity shares of Rs.5 each of the

said Company in their custody so as to hand over the same to the rightful owner as per the orders of the Competent Court."

4. On a specific query made by this court, the petitioner states that there is no proceeding pending in any court as regards the subject matter of this petition and the learned counsel for respondents 4 & 5 also state that to the best of their knowledge, no proceeding is pending in respect of the subject matter of this petition in any court.

5. The learned counsel for respondent 5 states that since the said shares which are presently lying with respondent 4, who is the share transfer agent of respondent 5 stand in the name of the petitioner, they shall be delivered to the petitioner at the address of the

petitioner mentioned in the cause title of the petition immediately after a period of eight weeks from today. His statement is accepted.

6. If any person including the intervenor claim to have any right, title or interest in the said shares, they will be at liberty to adopt appropriate proceedings in appropriate forum and obtain necessary orders in respect thereof within eight weeks from today. The delivery of the said shares to the petitioner will obviously be subject to any such order that may be passed by any competent court.

7. Our attention was drawn by the learned counsel for respondent 5 to the Roznama of City Civil Court in Suit No. 2520 of 2002. We find from the Roznama that the petitioner had misbehaved with the court. He

had made allegations against the court that the court had taken bribe and that because of his misbehaviour the court had to summon the police. We deprecate such behaviour and we expect the petitioner not to indulge in such behaviour in future.

8. We are also informed that the petitioner has filed a complaint against Mr. Udeshi, learned counsel for respondent 5, at the Colaba Police Station. The petitioner undertakes that he will withdraw the complaint which he has made against Mr. Udeshi, the learned counsel for respondent 5.

9. In view of the above, it is not necessary to entertain the present petition. Petition is disposed of in the aforestated terms.

JUDGE.

JUDGE.